

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CAREFUL SHOPPER, LLC,

Plaintiff,

-against-

TP-LINK USA CORPORATION d/b/a TP-  
LINK NORTH AMERICA, INC.,

Defendants.

1:18-cv-03019-RJD-RML

**SUPPLEMENTAL DECLARATION OF KEVIN RYU IN SUPPORT OF DEFENDANT  
TP-LINK USA CORPORATION'S MOTION TO DISMISS FOR LACK OF PERSONAL  
JURISDICTION AND SUBJECT MATTER JURISDICTION**

**SUPPLEMENTAL DECLARATION OF KEVIN RYU**

I, Kevin Ryu, hereby declare as follows:

1. I am the Director of Sales and Marketing, E-commerce, for TP-Link USA Corporation (“TP-Link”) in Brea, California. I have been employed with TP-Link since mid-2015. I submit this supplemental declaration in support of Defendant TP-Link’s Motion to Dismiss for Lack of Personal Jurisdiction and Subject Matter Jurisdiction. I have personal knowledge of the matters stated in this Supplemental Declaration and, if called as a witness, I could and would competently testify to them.

2. TP-Link does not provide Amazzia with either a “test buy” or photos for Amazzia to report complaints.

3. As the Amazzia contract with TP-Link shows, Amazzia monitors certain TP-Link products based on the Amazon Standard Identification Number (“ASIN”), including the following ASINs: (1) B00PDLRHFH; (2) B0168G0KZY; and (3) B010S6SG3S. Attached hereto as **Exhibit A** is a true and correct of TP-Link’s contract with Amazzia.

4. The Amazzia contract also details that when Amazzia identifies unauthorized resellers using the ASINs, it sends a complaint to Amazon. To clarify the statement in my January 11, 2019 Declaration, as the contract shows, Amazzia requires TP-Link provide it with an email account using an email address in the format “compliance@brandname.com” (in this case compliance-usa@tp-link.com, which also reflects as “Compliance USA”).

5. TP-Link requested from Amazzia any specific complaints to Amazon about Careful Shopper, but Amazzia has refused to provide any of the requested correspondence.

6. TP-Link North America Inc. is a fictitious business name of TP-Link USA Corporation. Attached hereto as **Exhibit B** are true and correct copies of the Fictitious Business Name Statement filed by TP-Link USA Corporation on March 7, 2017, with the Recorder’s Office of San Bernardino County, California, and Fictitious Business Name Statement filed on February 28, 2017, with the Recorder’s Office of Orange County, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 25, 2019

By:   
Kevin Ryu

# Exhibit A to Supplemental Ryu Declaration



AMAZZIA  
7040 Darby Avenue  
Reseda, CA 91335

## TP-Link - Amazon Brand Protection Agreement

### Terms:

- Month to month basis
- Amazon clean up and monitoring executed for [REDACTED]
- 31 skus/ASINs under the brand to be monitored (Details Below)

### 5 New ASINs added:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

### 26 Existing ASINs (already being monitored):

- |              |              |
|--------------|--------------|
| • [REDACTED] | • [REDACTED] |
| • [REDACTED] | • [REDACTED] |
| • [REDACTED] | • [REDACTED] |
| • [REDACTED] | • [REDACTED] |
| • B00PDLRHFV | • [REDACTED] |
| • B010S6SG3S | • [REDACTED] |
| • [REDACTED] | • [REDACTED] |
| • [REDACTED] | • [REDACTED] |
| • B0168GUKZY | • [REDACTED] |
| • [REDACTED] | • [REDACTED] |
| • [REDACTED] | • [REDACTED] |
| • [REDACTED] | • [REDACTED] |
| • [REDACTED] | • [REDACTED] |
| • [REDACTED] | • [REDACTED] |



your partner in brand protection, growth, and distribution.



AMAZZIA  
7040 Darby Avenue  
Reseda, CA 91335

**Services:**

- We will monitor all ASIN pages daily, 7 days/week
- We will report non-compliant sellers to Amazon until they are removed by Amazon
- 50% of resellers to be removed in 60 days, 75% in 90 days, and 90% in 120 days.
- You will have full access to our team for any questions regarding the cleanup project

I agree to the points above, and the outlined timeline, and would like to proceed with the Brand Protection Program:

Signed 刘永生

Company \_\_\_\_\_

Today's Date 4/17/2018



your partner in brand protection, growth, and distribution.



AMAZZIA  
7040 Darby Avenue  
Reseda, CA 91335

## TP-Link Brand Protection Proposal

### Term Agreements:

- Month to month basis
- Amazon clean up and monitoring executed for \$ [REDACTED]

SKU	Description	ASIN
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

- All three skus under the TP-Link brand to be monitored.

### Our Services:

- We will monitor all ASIN pages daily, 7 days/week
- We will report non-compliant sellers to Amazon until they are removed by Amazon
- 50% of resellers to be removed in 60 days, 75% in 90 days, and 90% in 120 days.

- [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- [REDACTED]

### Things We Need:

- Dedicated computer on your network we can remote login with TeamViewer o <http://www.teamviewer.com/en/> - Free program we use to remote into your computer
- Dedicated email on your domain for Amazon enforcement (i.e. [compliance@brandname.com](mailto:compliance@brandname.com))
- Amazon.com buying account created using dedicate email

The Brand Protection will begin the following day after all necessary items needed for Amazzia to execute are in place



your partner in brand protection, growth, and distribution.



AMAZZIA  
7040 Darby Avenue  
Reseda, CA 91335

I agree to the points above, and the outlined timeline, and would like to proceed with the Brand Protection Program:

Signed\_\_\_\_\_

Company\_\_\_\_\_

Date\_\_\_\_\_



your partner in brand protection, growth, and distribution.



# Exhibit B

## to Supplemental Ryu Declaration



**San Bernardino County**  
Recorder - Clerk  
222 W. Hospitality Lane, 1st Floor  
San Bernardino CA 92415-0022  
855 REC-CLRK  
[www.sbcounty.gov/arc](http://www.sbcounty.gov/arc)

Filed in County Clerk's Office, County of San Bernardino

3/07/2017

8:38 AM

TM  
SAN**BOB DUTTON**

ASSESSOR - RECORDER - CLERK

Doc#: 20170002531

DocType: FBN



EcglD -

243982

Pages: 2

Fees: \$55.00

**BUSINESS OWNER IS RESPONSIBLE TO  
DETERMINE IF PUBLICATION IS REQUIRED  
(BPC 17917)**

**FICTITIOUS BUSINESS NAME STATEMENT**

☒ **NEW FILING - this is a:** ☒ First Filing ☐ New Amended Filing ☐ Renewal

☐ **ABANDONMENT:** County of Current Filing \_\_\_\_\_ Date of Current Filing \_\_\_\_\_ File No. \_\_\_\_\_

Fees: \$55.00 Includes one registrant (please make check payable to "County Clerk") \$10.00 Each additional registrant  
\$10.00 Each additional FBN name filed on same statement and operating at same location \$ 4.00 Mail processing fee

Please **TYPE** or **PRINT** legibly and firmly in **DARK** ink (no alterations). See reverse side for filing and publishing instructions. The determination whether or not publication is required by law is ENTIRELY THE RESPONSIBILITY OF THE REGISTRANT. Neither the County Clerk nor his deputies are permitted by law to give legal advice and/or assistance. THE FOLLOWING PERSON(S) IS (ARE) DOING BUSINESS AS:

<b>1</b>	LIST <b>FICTITIOUS BUSINESS NAME</b> BELOW (as shown in the Articles of Inc./Org./Reg.) TP-Link North America, Inc.		Franchise No. (if applicable)		County of Principal Place of Business <b>San Bernardino</b>	
<b>2</b>	Street Address of Principal Place of Business (P.O. Box or PMB address NOT acceptable) 10725 Sierra Avenue, Suite 100		City Fontana		State CA	Zip Code 92337
	Mailing Address (Optional)		City		State	Zip Code
	(1) Name of <b>Individual</b> Registrant (First name)	(Middle initial <u>only</u> )	(Last name)			
	(1) Name of <b>corporation or limited liability company</b> as shown in the Articles of Inc./Org./Reg. TP-Link USA Corporation		State of Inc./Org. / Reg. California		Inc./Org./Reg. No. C3165179	
<b>3</b>	Residence Street Address/Corporation or LLC Street Address 145 South State College Boulevard, Suite 400		City Brea		State CA	Zip Code 92821
	(2) Name of <b>Individual</b> Registrant (First name)	(Middle initial <u>only</u> )	(Last name)			
	(2) Name of <b>corporation or limited liability company</b> as shown in the Articles of Inc./Org./Reg.		State of Inc./Org. / Reg.		Inc./Org./Reg. No.	
	Residence Street Address/Corporation or LLC Street Address		City		State	Zip Code
<b>4</b>	List any additional names on additional form					
	(CHECK ONE ONLY) This business is/was conducted by:					
	<input type="checkbox"/> An Individual	<input type="checkbox"/> A Limited Liability Partnership	<input type="checkbox"/> A Married Couple			
	<input type="checkbox"/> A General Partnership	<input type="checkbox"/> An Unincorporated Assoc. Other Than a Partnership	<input type="checkbox"/> State or Local Registered Domestic Partners			
	<input type="checkbox"/> A Limited Partnership	<input checked="" type="checkbox"/> A Corporation	<input type="checkbox"/> A Joint Venture			
	<input type="checkbox"/> A Limited Liability Company	<input type="checkbox"/> Copartners	<input type="checkbox"/> A Trust			
<b>5</b>	Registrant <b>commenced</b> to transact business under the fictitious business name or names listed above on (do not enter a future date). (If registrant has not yet commenced to transact business, insert the statement "Not applicable").					Not Applicable Month, Day, Year
<b>6</b>	<p><b>BY SIGNING, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT.</b> A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.) I am also aware that all information on this statement becomes Public Record upon filing pursuant to the California Public Records Act (Government Code Sections 6250-6277). It is also my responsibility to determine if publication is required (BPC 17917).</p> <p>Signature: <u>[Signature]</u> Printed Name of Person Signing: <u>Zheng Wu</u></p> <p>Printed Title of Person Signing: <u>CEO</u> Date: <u>14 February 2017</u></p>					

NOTICE--IN ACCORDANCE WITH SUBDIVISION (a) OF SECTION 17920, A FICTITIOUS NAME STATEMENT GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK, EXCEPT, AS PROVIDED IN SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH IN THE STATEMENT PURSUANT TO SECTION 17913 OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED BEFORE THE EXPIRATION. THE FILING OF THIS STATEMENT DOES NOT OF ITSELF AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS BUSINESS NAME IN VIOLATION OF THE RIGHTS OF ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW (SEE SECTION 14411 ET SEQ., BUSINESS AND PROFESSIONS CODE).

MAR 07 2017

Recorded in Official Records, Orange County  
Hugh Nguyen, Clerk-Recorder

20176468059 23.00

02/28/2017 12:36:00

323 13 F01

23.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00



**HUGH NGUYEN**  
**CLERK-RECORDER**  
**12 CIVIC CENTER PLAZA, ROOM 106**  
**POST OFFICE BOX 238**  
**SANTA ANA, CA 92702-0238**

**FICTITIOUS BUSINESS NAME STATEMENT****THE FOLLOWING PERSON(S) IS (ARE) DOING BUSINESS AS:**

1.	Fictitious Business Name(s) TP-Link North America, Inc.		(optional) Business Phone No.	
1A.	<input checked="" type="checkbox"/> New Statement	<input type="checkbox"/> Refile - list previous No.	<input type="checkbox"/> Change	
2.	Street Address, City & State of Principal place of Business (Do not use P.O. box or P.M.B.) 145 South State College Boulevard, Suite 400 Brea, CA 92821 ORANGE			
3.	Full name of Registered Owner (If Corporation, enter corporation name) TP-Link USA Corporation		If Corporation / LLC State of Incorporation or organization Ca	
	Res. / Corp. Address (Do NOT use a P.O. Box or P.M.B.) 145 South State College Boulevard, Suite 400		City Brea	State Ca Zip Code 92821
4.	(CHECK ONE ONLY) This business is conducted by: <input type="checkbox"/> an individual <input type="checkbox"/> a general partnership <input type="checkbox"/> a limited partnership <input type="checkbox"/> an unincorporated association other than a partnership <input checked="" type="checkbox"/> a corporation <input type="checkbox"/> a Limited Liability Partnership <input type="checkbox"/> co-partners <input type="checkbox"/> a married couple <input type="checkbox"/> a joint venture <input type="checkbox"/> Limited Liability Co.			
5.	Have you started doing business yet? <input type="checkbox"/> Yes Insert Date: <input checked="" type="checkbox"/> No		Notice: This Fictitious Business Name Statement expires five years from the date it was filed in the Office of the County Clerk-Recorder. The statement expires 40 days after any change in the facts is made other than a change in the residences address of the registered owner. A new Fictitious Business Name Statement must be filed before either expiration. When ceasing to transact business under an active Fictitious Business Name Statement, Abandonment shall be filed. The filing of this statement does not of itself authorize the use in this state of a Fictitious Business Name in violation of the rights of another under federal, state or common law (see section 14411 et seq., Business and Professions Code).	
6.	If the registered owner is NOT a corporation, sign below: (See Instructions on the reverse side of this form)  Signature: _____ _____ (Type or Print Name)  I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).)		If the registered owner is: a corporation, an officer of the corporation signs below. any type of partnership, the general partner signs below. a limited liability company, a manager or an officer signs below TP-Link USA Corporation  Limited Liability Company/Corporation/Partnership Name _____ Signature and Title of Officer/Manager or General Partner _____ I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).)  Zheng Wu CEO _____ Print Name of Officer/Manager or General Partner	

These fees apply at time of filing (Please provide a self-addressed, stamped, return envelope if mailed):

Filing fee \$23.00 for one business name

\$7.00 for each additional business name

\$7.00 for each additional partner after first two

THIS IS A TRUE CERTIFIED COPY OF THE  
RECORD IF IT BEARS THE SEAL,  
IMPRINTED IN PURPLE, OF THE ORANGE  
COUNTY CLERK-RECORDER

Hugh Nguyen, Clerk-Recorder



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